

2009 DRAFTING REQUEST**Bill**Received: **09/18/2008**Received By: **tkuczens**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 266-1103**By/Representing: **Miner**This file may be shown to any legislator: **NO**Drafter: **tkuczens**

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Subject: **Econ. Development - misc.**

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Pre Topic:

DOA:.....Miner, BB0025 -

Topic:

Brownfields Program, Eligibility of Applicants and Criteria for Awards

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 09/25/2008	wjackson 09/30/2008		_____			State
/P1			jfrantze 09/30/2008	_____	sbasford 09/30/2008		

FE Sent For:

<END>

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/?	tkuczens	/p/wlj 9/29	9/30	9/30			

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<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Brownfields Program, Eligibility of Applicants and Criteria for Awards
- Tracking Code: BR00AS
- SBO team: Agriculture, Environment and Justice
- SBO analyst: Andrew Miner AM 4/17/08
 - Phone: 266-1103
 - Email: andrew.miner@wisconsin.gov
- Agency acronym: COMM
- Agency number: 143
- Priority (Low, Medium, High): Medium

Intent: See attached sheets to make changes to the brownfields program regarding eligibility of applicants and criteria for awards.

Wisconsin Department of Commerce

2009/11 Biennial Budget

Brownfields Drafting Instructions

Change the following language in s. 560.13, Wisconsin Statutes, Brownfield Grant Program:

Eligibility of Applicants. s. 506.13 (2) (a) 2. Current language requires that a grant can only be provided if the party that caused the environmental contamination at the project site is financially unable to pay the cost of the "brownfield redevelopment or associated environmental remediation activities." This change will remove "brownfield redevelopment" from the language. The responsible party will still be accountable for the environmental cleanup of the property; however it will not be held responsible for the future development of the property. The party responsible for the contamination is rarely associated with the redevelopment of the site.

Criteria of Awards. s. 560.13 (3) (a), Wis. Stats., to s. 560.13 (3) (a) 4., Wis. Stats., Current language requires that the department "shall make awards" based on a set of four criteria. Changing the language to "may" will give the Department more flexibility in granting awards. In addition to the lack of flexibility afforded by "shall," the criteria used also need to be updated.

Delete the following criteria:

- a) Whether the project will have a positive effect on the environment.
- b) The amount and quality of the recipient's contribution to the project.
- c) The innovativeness of the recipient's proposal for remediation and redevelopment.

Replace with:

- a) The level and strength of the applicant's financial commitment to the project.
- b) The extent and degree of soil contamination that exists at the project site.
- c) The adequacy and completeness of site and planned remediation.
- d) Any other relevant factors that may be useful in assessing the viability of the project to move forward.

This change would also delete s. 560.13 (3) (b), Wis. Stats, which attaches a percentage weight to each of the criterion.

*Please see the attached sheet for the specific language changes.

560.13 Brownfields Grant Program – Wisconsin Statutes (Requested Changes)

560.13(2)(a)2.

2. All of the following are unknown, cannot be located or are financially unable to pay the cost of environmental remediation activities:

Deleted: brownfields redevelopment or associated

560.13(3)(a)

(a) The department may consider the following criteria in making awards under this section:

560.13(3)(a)1.

1. The potential of the project to promote economic development in the area.

560.13(3)(a)2.

2. The level and strength of the applicant's financial commitment to the project.

Deleted: Whether the project will have a positive effect on the environment.

560.13(3)(a)3.

3. The extent and degree of soil or groundwater contamination that exists at the project site.

Deleted: The amount and quality of the recipient's contribution to the project.

560.13(3)(a)4.

4. The adequacy and completeness of site investigation and planned remediation.

Deleted: The innovativeness of the recipient's proposal for remediation and redevelopment.

560.13(3)(a)5.

5. Any other relevant factors that may be useful in assessing the viability of the project to move forward.

Deleted: 560.13(3)(b)
(b) If possible, when making a determination under par. (a), the department shall accord a 50% weight to the criterion under par. (a) 1., a 25% weight to the criterion under par. (a) 2., a 15% weight to the criterion under par. (a) 3. and a 10% weight to the criterion under par. (a) 4.



State of Wisconsin
2009 - 2010 LEGISLATURE

PI
LRB-0287/2
TKK:.....
RMNR
Wlj

DOA:.....Miner, BB0025 - Brownfields Program, Eligibility of Applicants
and Criteria for Awards

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

in 9/25/08

DO NOT GEN

1 AN ACT ...; relating to: the budget

heading

COMMERCE AND ECONOMIC DEVELOPMENT

Analysis by the Legislative Reference Bureau

subheading

ECONOMIC
DEVELOPMENT

Under current law, the Department of Commerce (Commerce) may award grants for the redevelopment of brownfields, defined as abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination. Commerce may only award a brownfield redevelopment grant if certain persons responsible for the contamination of the project site are financially unable to pay the costs to remediate the site or redevelop the site. Commerce ~~is~~ ^{must} ~~required to~~ ^{must} consider four criteria when awarding brownfield redevelopment grants and ~~is directed to~~ ^{must} accord different values to the enumerated criteria: ^{which are as follows}

1. The potential of the project to promote economic development in the area.
2. Whether the project will have a positive effect on the environment.
3. The amount and quality of the recipient's contribution to the project.
4. The innovativeness of the grant recipient's proposal.

This bill eliminates the requirement that the person who caused the environmental contamination be financially unable to pay the costs to redevelop the site. The bill also changes the criteria to be considered by Commerce when making awards and eliminates the requirement that different criteria be accorded different values.

before
Commerce may
award a grant

brownfields redevelopment

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 560.13 (2) (a) 2. (intro.) of the statutes is amended to read:

560.13 (2) (a) 2. (intro.) All of the following are unknown, cannot be located, or are financially unable to pay the cost of brownfields redevelopment or associated environmental remediation activities:

History: 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20, 125.

SECTION 2. 560.13 (3) (a) (intro.) of the statutes is amended to read:

560.13 (3) (a) (intro.) The department shall award grants may consider the following criteria in making awards under this section ~~on the basis of the following~~ criteria:

History: 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20, 125.

SECTION 3. 560.13 (3) (a) 2. of the statutes is repealed.

SECTION 4. 560.13 (3) (a) 3. of the statutes is repealed.

SECTION 5. 560.13 (3) (a) 4. of the statutes is repealed.

SECTION 6. 560.13 (3) (b) of the statutes is repealed.

SECTION 7. 560.13 (3) (a) 5. of the statutes is created to read:

560.13 (3) (a) 5. The level of financial commitment by the applicant to the project.

SECTION 8. 560.13 (3) (a) 6. of the statutes is created to read:

560.13 (3) (a) 6. The extent and degree of soil and groundwater contamination at the project site.

SECTION 9. 560.13 (3) (a) 7. of the statutes is created to read:

1 560.13 (3) ~~(a) 7~~ The adequacy and completeness of the site investigation and
2 remediation plan.

3 **SECTION 10.** 560.13 (3) (a) 18, of the statutes is created to read:

4 560.13 (3) (a) 8. Any other factors considered by the department to be relevant
5 to assessing the viability and feasibility of the project.

6 (END)



DOA:.....Miner, BB0025 - Brownfields Program, Eligibility of Applicants
and Criteria for Awards

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, the Department of Commerce (Commerce) may award grants for the redevelopment of "brownfields," defined as "abandoned, idle or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination." Commerce may award a brownfields redevelopment grant only if certain persons responsible for the contamination of the project site are financially unable to pay the costs to remediate the site or redevelop the site. Commerce must consider four criteria when awarding brownfields redevelopment grants and must to accord different values to the enumerated criteria, which are as follows:

1. The potential of the project to promote economic development in the area.
2. Whether the project will have a positive effect on the environment.
3. The amount and quality of the recipient's contribution to the project.
4. The innovativeness of the grant recipient's proposal.

This bill eliminates the requirement that the person who caused the environmental contamination be financially unable to pay the costs to redevelop the site before Commerce may award a brownfields redevelopment grant. The bill also

changes the criteria to be considered by Commerce when making awards and eliminates the requirement that different criteria be accorded different values.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 560.13 (2) (a) 2. (intro.) of the statutes is amended to read:

2 560.13 (2) (a) 2. (intro.) All of the following are unknown, cannot be located, or
3 are financially unable to pay the cost of ~~brownfields redevelopment or associated~~
4 environmental remediation activities:

5 **SECTION 2.** 560.13 (3) (a) (intro.) of the statutes is renumbered 560.13 (3)
6 (intro.) and amended to read:

7 560.13 (3) (intro.) The department ~~shall award grants~~ may consider the
8 following criteria in making awards under this section ~~on the basis of the following~~
9 criteria:

10 **SECTION 3.** 560.13 (3) (a) 1. of the statutes is renumbered 560.13 (3) (a).

11 **SECTION 4.** 560.13 (3) (a) 2. of the statutes is repealed.

12 **SECTION 5.** 560.13 (3) (a) 3. of the statutes is repealed.

13 **SECTION 6.** 560.13 (3) (a) 4. of the statutes is repealed.

14 **SECTION 7.** 560.13 (3) (b) of the statutes is repealed.

15 **SECTION 8.** 560.13 (3) (c) of the statutes is created to read:

16 560.13 (3) (c) The level of financial commitment by the applicant to the project.

17 **SECTION 9.** 560.13 (3) (d) of the statutes is created to read:

18 560.13 (3) (d) The extent and degree of soil and groundwater contamination at
19 the project site.

20 **SECTION 10.** 560.13 (3) (e) of the statutes is created to read:

1 560.13 (3) (e) The adequacy and completeness of the site investigation and
2 remediation plan.

SECTION 11. 560.13 (3) (f) of the statutes is created to read:

4 560.13 (3) (f) Any other factors considered by the department to be relevant to
5 assessing the viability and feasibility of the project.

6 (END)